

REMARKS

Claims 1-5, 8-17, and 19-25 are pending in the present application, Claim 1 having been amended, and new Claims 22-25 having been added. The claims set forth above include markings to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ or [[double brackets]] and additions being underlined.

In response to the Office Action mailed March 28, 2008, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Support For Amendments to Claim 1

Claim 1 has been amended to recite, in part, “a channel that extends longitudinally along at least a part of the length of the support post, the channel having a longitudinal axis.” Support for this amendment can be found on page 6, lines 4-5 of the Application (published as WO 03/082053).

Claim 1 has been amended to recite, in part, “in a load bearing manner.” Support for this amendment can be found on page 7, line 28 to page 8, line 4 of the specification as filed.

Claim 1 has been amended to recite, in part, “the second locating formation to adjust its orientation within the channel into a locking position in which the second locating formation is inclined to the longitudinal axis of the channel.” Support for this amendment can be found on page 7, lines 21-28 of the specification as filed.

Claim 1 has been amended to recite, in part, “and the upper end engages the inner face of the channel body opposite the mouth, so as to fix the position of the support element by increased friction between the support element and the support post.” Support for this amendment can be found on page 7, line 21 to page 8, line 4 of the specification as filed.

The Applied Combination of Frascaroli et al./Weber Does Not Make Obvious The Furniture Support System Recited By Claims 1, 5, 8, 10-17, and 19-21

Claims 1, 5, 8, 10-17, and 19-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,715,760 issued to Frascaroli et al. (“Frascaroli”) in view of U.S. Patent No. 3,114,531 issued to Weber. Applicant respectfully traverses the present rejection, as the cited combination of references fails to suggest the presently claimed invention to a person having ordinary skill in the art.

As described below, neither Frascaroli nor Weber describe several features recited in Claim 1. As but one example, neither reference discloses the feature recited in Claim 1 of “a screw that is constructed and arranged for compressive engagement with the channel body on an inner face opposite the mouth thereby causing, in use, the second locating formation to adjust its orientation within the channel into a locking position in which the second locating formation is inclined to the longitudinal axis of the channel such that the lower end is pushed against an inner face of the lips and the upper end engages the inner face of the channel body opposite the mouth, so as to fix the position of the support element by increased friction between the support element and the support post.”

Frascaroli does not disclose the foregoing feature. Frascaroli discloses a tension screw 25 which pulls the substantially trapezoidal engagement element 24 into engagement with the lips of the channel body via tension in the screws, thereby implementing a clamping arrangement for securing the brackets 37a, 37b along the support post (See Frascaroli, col. 4, lines 20-32; See also Fig. 4). The locking structure of Frascaroli utilizes clamping to lock the bracket 37a in place. As illustrated in Figure 4 of Frascaroli, the head of the screw 25 clamps the bracket 37a to the lips 23. The engagement element 24 does not orient itself in an inclined position during locking.

Weber discloses a system that utilizes a locking means towards the lower end of a locating structure (See Weber, Figs. 7-9). The locking structure illustrated in Figures 7-9 of Weber uses a cross-piece 12 which is aligned relative to the slot 3 between the flanges of the mounting channel (Weber, col. 2, lines 42-54). The cross-piece 12 is located opposite a spacer 11, which sits between the flanges (i.e. lips) of the channel and both the bracing member 6 and head of the screw 9b outside of the channel (Weber, col. 2, lines 42-54; See Figs 7-9). As the screw 9b is rotated, the cross-piece 12, spacer 11, and bracing member 6 are clamped together by the compressive force of the screw 9b.

The cross-piece 12 of Weber does not orient itself in an inclined position within the channel. Rather, and as illustrated in Figure 7 of Weber, the cross-piece 12 remains parallel to the longitudinal axis of the channel. This is due to the spacer 11, which provides a rigid connection of the bracing member 6 and the vertical mounting channel. For example, and with reference to Figures 7 and 9b, the spacer 11 includes a part 11a which is dimensioned to fit into the slot between the flanges of the vertical mounting channel, thereby helping to rigidly connect the shelf to the vertical mounting channel in its horizontal position against sideways or vertical movement. (Weber, col. 2, lines 54-59).

Frascaroli does not disclose that the tension screw 25 is used to compressively engage the channel body opposite the lips. Frascaroli also does not disclose that the engagement element 24 adjusts its orientation into a locking position, wherein the engagement element 24 is inclined to the longitudinal axis of the channel, and wherein the lower end of the engagement element 24 is pushed against the inner face of the lips and the upper part is pushed against the channel body opposite the mouth in order to increase friction between the support element and the support post.

Similarly, Weber does not disclose a screw which applies compressive force against the channel body on an inner face, nor does Weber disclose a second locating formation which adjusts its orientation within the channel. Thus, both Weber and Frascaroli disclose external clamping-type locking mechanisms which utilize tension screws to clamp the bracing members or brackets to the lips.

In contrast to the cited prior art references, the presently pending claims do not rely a locking structure which relies on a clamping member outside of the channel. Rather, the presently recited claims rely upon fixing the position of the support element by increased friction between the support element and the support post. This is accomplished through a locking structure which utilizes three points of pressure within the channel to secure the bracket in place. A second locating formation adjusts its orientation within the channel into a locking position in which the upper end is pressed against the channel body opposite the lips and the lower end of the second locating formation is pressed against the inner face of the lips, all while the screw on the lower end is pressed against the channel body opposite the lips. (See Figure 10). The cited references in combination fail to suggest these aspects of the presently claimed invention, and nothing else known to Applicants in the prior art would lead one having ordinary skill in the art toward this claimed arrangement.

Moreover, the arrangement of the presently claimed invention is particularly advantageous because when loading is applied to the support element, the load biases the screw against the channel body, thereby increasing friction between the support element and the support post, and increasing resistance to slippage. (See Application, pg. 7, line 16 – pg. 8, line 4; See also Figure 10). Thus, the claimed invention provides an arrangement that is both simply to adjust without requiring the use of a clamp and sufficiently sturdy to avoid slippage. These advantages further evidence the nonobviousness of the claim.

For at least the reasons described above, Claim 1 clearly and non-obviously defines over the cited references. Additionally, Applicants submit that Claims 5, 8, 10-17, and 19-21 also

define over the cited references, not only because they depend from Claim 1, but also on their own merits.

The Applied Combination of Frascaroli et al./Weber/Lininger Jr. et al. Does Not Make Obvious The Furniture Support System Recited By Claims 9

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being obvious over Frascaroli in view of Weber, and further in view of U.S. Patent No. 6,484,647 issued to Lininger Jr. et al. Applicant respectfully traverses the present rejection.

Claim 9 is dependent on Claim 1. Thus, for at least the reasons described above, Applicant submits that Claim 9 clearly and non-obviously defines over the cited references. Moreover, Claim 9 is further nonobvious on its own merit. For example, Lininger Jr. et al. does not disclose “a screw that is constructed and arranged for compressive engagement with the channel body on an inner face opposite the mouth thereby causing, in use, the second locating formation to adjust its orientation within the channel into a locking position wherein the second locating formation is inclined to the longitudinal axis of the channel such that the lower end is pushed against an inner face of the lips and the upper end engages the inner face of the channel body opposite the mouth, so as to fix the position of the support element by increased friction between the support element and the support post” as recited by Claim 1 of the present application.

New Claims 22-25

Applicant has added new Claims 22-25. Support for new Claims 22-25 can be found in the specification and figures, with particular reference to page 7, line 16 – page 8, line 4, and figures 2a-c and 10.

For at least the reasons described above, Applicant submits that Claim 22 clearly and non-obviously defines over the cited references. For example, none of the cited references, either alone or in combination, disclose “a screw that is constructed and arranged for compressive engagement with the channel body on an inner face opposite the mouth thereby causing, in use, the second locating formation to adjust its orientation within the channel into a locking position; wherein the second locating formation is inclined to the longitudinal axis of the channel such that the lower end is pushed against the inner face of the lips and the upper end engages the inner face of the channel body opposite the mouth,

so as to fix the position of the support element” as recited in Claim 22 of the present application.

Claims 23 and 24 depend from Claim 22, and Claim 25 depends from Claim 1. For at least the reasons described above, Applicant submits that Claims 23-25 also define over the cited references, not only because they depend from one of Claims 1 and 22, but also on their own merit.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

Respectfully submitted,

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